

**ORDINANCE NO. 15-**

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ENABLING THE CREATION OF A CODE ENFORCEMENT BOARD, PURSUANT TO KRS 65.8801 TO KRS 65.8839, FOR BOONE COUNTY; THE CREATION OF A PROPERTY MAINTENANCE CODE FOR THE UNINCORPORATED AREAS OF BOONE COUNTY; AND THE REPEAL OR AMMENDMENT OF ORDINANCES MADE REDUNDANT BY THE CREATION OF A CODE ENFORCEMENT BOARD AND PROPERTY MAINTENANCE CODE.**

**Whereas**, it is the intent of KRS 65.8801 to KRS 65.8839 to protect, promote, and improve the health, safety, and welfare of the citizens residing within Boone County by authorizing the creation of an administrative board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective and inexpensive method of ensuring compliance with the ordinances in force within the County; and

**Whereas**, the Fiscal Court of Boone County, Kentucky, after due consideration, has determined that the creation of an administrative body to enforce certain local ordinances will provide a desirable alternative method of such enforcement; and

**Whereas**, minimum requirements and standards are needed for premises, structures, equipment and facilities for space, heating, sanitation, protection from the elements, life safety, fire safety, nuisances, sanitary maintenance and occupancy limitations;

**NOW, THEREFORE, BE IT ORDAINED THAT THE FISCAL COURT OF BOONE COUNTY, KENTUCKY, DOES ADOPT THE FOLLOWING: THROUGH AUTHORITY GRANTED IT IN KRS 65.8801 TO 65.8839, BOONE COUNTY FISCAL COURT DOES HEREBY CREATE A CODE ENFORCEMENT BOARD, PURSUANT TO KRS CHAPTER 65, WHICH SHALL HAVE THE POWER TO ISSUE REMEDIAL ORDERS AND IMPOSE CIVIL FINES AS A METHOD OF ENFORCING A COUNTY ORDINANCE WHEN A VIOLATION OF THE ORDINANCE HAS BEEN CLASSIFIED AS A CIVIL OFFENSE IN ACCORDANCE WITH STATE STATUTES. THIS ENFORCEMENT BOARD SHALL HAVE NO POWER TO ENFORCE ANY VIOLATIONS WHICH ARE OFFENSES UNDER ANY PROVISION OF KENTUCKY REVISED STATUTES, INCLUDING SPECIFICALLY, ANY PROVISION OF THE KENTUCKY PENAL CODE AND ANY MOVING MOTOR VEHICLE OFFENSE.**

**FURTHER, THE COUNTY OF BOONE DOES HEREBY ADOPT THE ATTACHED EXHIBIT MARKED “BOONE COUNTY PROPERTY MAINTENANCE CODE” AS THE PROPERTY MAINTENANCE CODE FOR THE UNINCORPORATED AREAS OF BOONE COUNTY. THIS CODE SHALL BE ENFORCEABLE THROUGH REMEDIAL ORDERS AND CIVIL FINES BY THE CODE ENFORCEMENT BOARD.**

**FURTHER, BOONE COUNTY, KENTUCKY, DOES HEREBY REPEAL OR AMEND THE ORDINANCES, OR SECTIONS THEREIN, AS INDICATED IN THE EXHIBIT ATTACHED MARKED, “REPEAL OR AMENDMENT OF ORDINANCES.”**

## **ARTICLE I. CODE ENFORCEMENT BOARD**

### **SECTION 1 – Definitions**

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a difference meaning:

**Code Enforcement Board** shall mean an administrative body in Boone County, Kentucky, created and acting under the authority of the Local Code Enforcement Board Act of Kentucky Revised Statutes Chapter 65.8801 to 65.8839.

**Code Official** shall mean a County Sheriff or Deputy Sheriff, Code Enforcement Officer, Zoning Enforcement Officer, Fire Chief or other enforcement officer in Boone County, Kentucky, with the authority to issue a citation.

**County Judge-Executive** shall mean the chief county elected official in Boone County, Kentucky, as prescribed in Kentucky Revised Statutes Section Chapter 65.

**Ordinance** shall mean an official action of the Boone County Fiscal Court, which is a regulation of a general and permanent nature and enforceable as a local law and shall include any provision of the Code of Ordinances adopted by the Boone County Fiscal Court which embodies all or part of an ordinance.

### **SECTION 2 - APPOINTMENT OF MEMBERS, TERMS OF OFFICE, REMOVAL, COMPENSATION**

A. There is hereby created a Code Enforcement Board consisting of five (5) members who shall be appointed by the County Judge/ Executive and approved by the Boone County Fiscal Court. The initial appointment of the members shall be as follows:

- a) One (1) member appointed for a term of one (1) year;
- b) Two (2) members appointed for a term of two (2) years; and
- c) Two (2) members appointed for a term of three (3) years each.

All subsequent appointments shall be made for a term of three (3) years.

B. A member may be reappointed, subject to appointment by the Judge/Executive and the approval of the Fiscal Court.

C. Any vacancy on the board shall be filled by the Judge/Executive subject to Fiscal Court approval within sixty (60) days of the vacancy. If the vacancy is not filled within sixty (60) days, the remaining members shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

D. A member of the Code Enforcement Board may resign or be removed from office by the Judge/ Executive for misconduct, inefficiency, or willful neglect of duty. The Judge/Executive must submit a written statement to the member and to the Fiscal Court setting forth the reasons for removal. The member so removed shall have the right to appeal to the Circuit Court.

E. Members of the Code Enforcement Board may be reimbursed for actual expenses, subject to prior approval, upon presentation of receipts to the County Treasurer.

### **SECTION 3 – BOARD MEMBERS REQUIREMENTS; OATH**

A. Each member of the Code Enforcement Board shall have resided within the boundaries of the county for a period of at least one (1) year prior to the date of the member's appointment and shall reside there throughout the term in office.

B. All members of the board shall, before entering upon their duties, take the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky.

C. No member of the board shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the Boone County Fiscal Court or any of its agencies, boards or commissions.

### **SECTION 4 - RESPONSIBILITIES/ AUTHORITY/ TRAINING/ CONFLICTS OF INTEREST**

A. The board shall initially, and annually thereafter, elect in January a chair from among its members who shall serve as the presiding officer and a full voting member of the board and a vice-chair who shall serve as chair in the absence of the chair. In the absence of the chair and vice-chair, the remaining members shall select one from their number to preside in place of the chair and exercise the powers of the chair.

B. The board shall meet periodically to conduct business, but in no event meet less than quarterly. At least three members shall be present and voting to constitute a quorum; all official actions of the board shall require the affirmative vote of a majority of the members constituting a quorum.

C. Any member of the board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest and shall disqualify himself from voting on the matter and shall not be counted for purposes of establishing a quorum. All members shall be subject to the Code of Ethics as codified in Chapter 35 of the Boone County Code of Ordinances.

D. The board shall keep written minutes of all proceedings and the vote of each member on any issue decided by the board shall be recorded in the minutes which shall be subject to Open Records provisions under KRS 61.870-61.884.

E. All meetings and hearings of the board shall be open to the public and held according to the provisions of KRS 61.805-61.850.

F. The Fiscal Court of Boone County shall provide clerical and administrative personnel as reasonably required by the board for the proper conduct of its duties.

G. All meetings of the Boone County Code Enforcement Board shall be held at the Boone County Administration Building at 2950 Washington Street, Burlington Kentucky.

H. The Boone County Code Enforcement Board shall receive training related to the conduct of administrative hearings in accordance with procedures set out in KRS 13B.080.

## **SECTION 5 - JURISDICTION**

A. The Code Enforcement Board shall have jurisdiction to enforce the following county ordinances and code provisions which specifically provide for the imposition of remedial and/or civil penalties including:

1. County Stopping, Standing & Parking Ordinances;
2. Boone County Property Maintenance Code;
3. Adopted zoning regulations.

B. The Code Enforcement Board shall not have the authority to enforce any ordinance the violation of which constitutes a criminal offense under the provisions of the Kentucky Revised Statutes, including specifically, any provision of the Kentucky Penal Code and any moving motor vehicle offense.

## **SECTION 6 - POWERS OF THE BOARD**

The Code Enforcement Board shall have the following powers and duties:

A. Adopt rules and regulations to govern its operation and the conduct of its hearings that are consistent with state laws and ordinances enacted by the Boone County Fiscal Court. .

B. Conduct hearings to determine whether there has been a violation of any local government ordinance that the board has jurisdiction to enforce.

C. Subpoena alleged violators, witnesses, and evidence to its hearings. A subpoena issued by the board may be served by any code official.

D. Take testimony under oath. The chairman or vice-chairman of the board shall have the authority to administer oaths to witnesses prior to their testimony before the board on any matter.

E. Make findings of fact and issue orders that are necessary to remedy any violation of a local government ordinance that the board has jurisdiction to enforce.

F. Impose civil fines and remedial orders as authorized by ordinance against any person found to have violated any ordinance that the board has the jurisdiction to enforce.

G. Impose enforcement costs against violators.

H. To make any recommendations to the Boone County Fiscal Court that the Board deems necessary.

## **SECTION 7 – ENFORCEMENT PROCEEDINGS**

All enforcement proceedings before the board shall be initiated by the issuance of a citation by a code official.

A. The code official is authorized to issue a citation to the offender when the official, either from personal observation or investigation, has reason to believe that a person has committed a violation of a Boone County ordinance. The official may, in lieu of immediately issuing a citation, give a Notice of Violation and require the violation to be remedied within a specified period of time. The notice shall include a statement that if the violation is not remedied, a code official shall issue a citation. If the violation is not remedied within the time specified, the code official is authorized to issue a citation.

B. The citation issued by the code official shall contain the following information:

1. The date and time of the issuance;
2. The name and address of the person to whom the citation is issued;
3. The date and time the offense was committed;
4. The facts constituting the offense;
5. The section of the code or ordinance number being violated;
6. The name of the code official and badge number (if any);
7. The civil fine that will be imposed for the violation and remedial action required if the citation is not contested;
8. The maximum civil fine that may be imposed if the person elects to contest the citation;
9. The procedure for the person to follow in order to pay the civil fine/ provide proof of remediation or to contest the citations; and
10. A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board to contest the citation and that the determination that the violation was committed shall be final.

C. Notice of a citation shall be made as follows:

1. The code official shall notify the Code Enforcement Board of the issuance of a citation by delivering one copy of the citation to the administrative official designated by ordinance or by the County Judge-Executive.
2. The code official shall notify the alleged violator by:
  - a. Personal service to the alleged violator;
  - b. Leaving a copy of the citation with any person eighteen (18) years of age or older who is on the premises if the alleged violator is not on the premises at the time the citation is issued; or
  - c. Posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular first class mail of the United States Postal Service to the owner of record of the property if no one is on the premises at the time the citation is issued.
  - d. For alleged violations of Chapter 71, an officer is authorized to issue a citation by: 1. Personal service to the violator; 2. Posting a copy of the citation in a conspicuous place on the vehicle and causing a copy of the citation to be mailed by regular, first class mail of the United States Postal Service to the owner of record of the vehicle if the personal service of the citation is not effectuated when the citation is issued.

D. The person to whom the citation is issued shall respond to the citation within fourteen (14) days of the date the citation is issued by either paying the civil fine set forth and remedying the violation in the citation or requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. The request for a hearing shall be delivered to the Judge/Executive's Office at 2950 Washington Street, Burlington, KY, 41005. The request shall include the name and address of the person requesting the hearing. If the person fails to respond to the citation within fourteen (14) calendar days by paying the civil penalty or properly requesting a hearing, the person shall be deemed to have waived the right to a hearing and any determination that a violation was committed shall be considered final. In this event, the Code Enforcement Board shall enter a final order and judgment by default that the violation was committed and imposing a civil fine and/or remedial order.

## **SECTION 8 - HEARINGS, NOTICE, FINAL ORDER**

The following procedures shall be followed when a hearing has been requested by the alleged violator:

A. When a hearing has been requested, the Code Enforcement Board shall schedule a hearing within forty-five (45) days of the request, unless the requester wants or agrees to a continuance not to exceed twenty-one (21) days from the initial forty-five (45) days of the request.

B. Not less than seven (7) days before the date set for the hearing, the Code Enforcement Board shall provide notice to the person who requested the hearing of the date, time, and place of the hearing. The notice may be given by certified mail, return mail requested, by personal delivery, or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice. However, if the whereabouts of the requester are unknown and cannot be ascertained by a Code official in the exercise of reasonable diligence, the notice is properly served if copies of the notice are posted in a conspicuous place on the premises in which an alleged violation has occurred.

C. Any person requesting a hearing before the Code Enforcement Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. In this event, the board shall enter a final order determining that the violation was committed and imposing the civil fine/ remedial orders in accordance with the governing ordinance.

D. Each case before the board shall be presented by a code official or by an attorney selected by the County Judge/Executive. The County Attorney (or designee) shall provide counsel to the board during proceedings of the Board, but may represent the County on appeal of any decision to District Court.

E. All testimony shall be under oath and shall be recorded. The board shall take testimony, from the code official, the alleged violator, and any witnesses to the alleged violation offered by the code official or the alleged offender. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

F. At the hearing, the board shall determine, based on the evidence presented, whether a violation was committed. When the board determines that no violation was committed, an order dismissing the citation shall be entered. When the board determines that a violation has been committed, the board shall issue an order upholding the citation and may order the offender to pay a civil fine in an amount up to the maximum authorized by ordinance, may order the offender to remedy a continuing violation within a specified time to avoid the imposition of a fine, or both.

G. Every final order of the Code Enforcement Board shall be reduced to writing, which shall include the date the order was issued, and a copy of the order shall be furnished to the person named in the citation. If that person is not present at the time a final order of the board is issued, the order shall be delivered to that person by certified mail, return receipt requested, by personal delivery, or by leaving a copy of the order at that person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the order.

**SECTION 9 - APPEALS**

- A. An appeal from any final order issued by a Code Enforcement Board may be made to the Boone County District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.
- B. If no appeal from a final order of a Code Enforcement Board is filed within the time period set forth in this section, the Code Enforcement Board's order shall be deemed final for all purposes.

**SECTION 10 – ORDINANCE CIVIL FINE SCHEDULE**

Violations of ordinances that are enforced by the county Code Enforcement Board are civil offenses and shall be subject to the following schedule of civil fines unless otherwise specifically stated in the ordinance violated:

- A. If a citation for a violation of an ordinance is not contested by the person charged with the violation, the civil fines set forth in this subsection shall apply; however, the board may waive all or any portion of the penalty for an uncontested violation, if in its discretion, the board determines that such a waiver will promote compliance with the ordinance in issue:

<u>Violation</u>	<u>Civil Fine</u>
Zoning	\$30
Property Maintenance Code	\$30
Stopping, Standing & Parking	\$30 for first and second violation/ \$60 additional violations within 365 day period.
Other	\$25

- B. If a citation is contested or a citation not contested is not paid in full within fourteen (14) days, the following civil fines and/or remedial orders may be imposed at the discretion of the Code Enforcement Board. Civil fines for multiple offenses may be applied within a twelve month period; however, the board may waive all or any portion of the penalty for a contested violation, if in its discretion, the board determines that such a waiver will promote compliance with the ordinance in issue.
- C.

<u>Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>All Others</u>
Zoning	\$30-\$500	\$50-\$1000	\$75-\$2000
Property Maintenance Code	\$30-\$500	\$50-\$1000	\$75-\$2000
Stopping, Standing & Parking	\$30-\$500	\$30-\$500	\$60-\$500
Other	\$25-\$500	\$50-\$1000	\$75-\$2000



## **SECTION 11 – CIVIL FINES/LIENS AND CHARGES**

- A.** Boone County shall, in accordance with K.R.S. §65.8835, possess a lien on property owned by the person found by a final order of the Code Enforcement Board or by a final judgment of a court of law to have committed a violation of a local government ordinance for all civil fines and enforcement costs, including but not limited to, reasonable labor, material costs, attorney fees and services incurred in connection with the enforcement of the ordinance and remediation of the violation.
- B.** The lien shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at twelve (12%) percent per annum until paid.
- C.** The lien shall take precedence over all other subsequent liens, subject to KRS 381.770 (6-8) except state, county, school board, and city taxes, and may be enforced by judicial proceedings.
- D.** The person found to have committed the violation shall be personally responsible for the amount of all civil fines assessed for the violation and for all charges and fees and enforcement costs, including but not limited to, reasonable labor, material costs and services incurred in connection with the enforcement of the ordinance and remediation of the violation. Boone County may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.
- E.** The provisions of this Ordinance shall be consistent with the applicable provisions of K.R.S. §381.770.

## **SECTION 12 – IMMEDIATE ACTION TO REMEDY VIOLATION OF ORDINANCES**

Nothing contained in this ordinance shall prohibit the Code Official from taking immediate action to remedy a violation of an ordinance when there is reason to believe that the existence of the violation presents a threat or danger to the public health, safety, and welfare if in the absence of immediate action the effects of the violation will be irreparable or irreversible. A citation may also be issued for the violation.

## **SECTION 13 – STATE STATUTES ADOPTED BY REFERENCE**

All of the terms, conditions and procedures of KRS §§65.8801 to 65.8839 relating to the organization and powers of the board, enforcement procedure, appeals and other matters are hereby adopted by Boone County and incorporated herein by reference as if fully written.

## **ARTICLE II. BOONE COUNTY PROPERTY MAINTENANCE CODE**

### **BOONE COUNTY PROPERTY MAINTENANCE CODE**

#### **CHAPTER 1**

#### **SCOPE, ADMINISTRATION AND DEFINITIONS**

#### **SECTION 101**

#### **GENERAL**

- 101.1 Title.** These regulations shall be known as the *Boone County Property Maintenance Code* hereinafter referred to as “the code” or “BCPMC.”
- 101.2 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* in the unincorporated areas of Boone County, Kentucky and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an owner’s authorized agent, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.
- 101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety, welfare and absence of blight insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.
- 101.4 Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.
- 101.5 Ability to Lien Property.** Boone County shall, in accordance with K.R.S. §65.8835, possess the ability to lien property for all civil fines and enforcement costs, including but not limited to, reasonable labor, material costs, attorney fees and services incurred in connection with the enforcement of the ordinance and remediation of the violation. This lien, properly filed, shall have priority against competing liens for the property as outlined in Article 1, Section 11.

#### **SECTION 102**

#### **APPLICABILITY**

- 102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
- 102.2 Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order which shall be the responsibility of the owner or party of interest
- 102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the currently adopted *Kentucky Building Code, NFPA 54- National Fuel Gas Code, International Mechanical Code, Kentucky Residential Code and Kentucky Plumbing Code.*
- 102.4 Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.
- 102.5 Workmanship.** Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer’s instructions.

**102.6 Historic buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

**102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 7 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Section 102.7.1.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

**102.7.1 Conflicts.** Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

**102.8 Requirements not covered by code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

**102.9 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**102.10 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**102.11 Exemptions.** The provisions of section 202 and 204 of this code shall not apply to residential parcels exceeding ten (10) acres in size.

## **SECTION 103 GENERAL PROVISIONS FOR DEFINITIONS**

**103.1 Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

**103.2 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**103.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the Kentucky Building Code, International Fire Code, NFPA 54 National Fuel Gas Code, International Mechanical Code, Kentucky Plumbing Code, Kentucky Residential Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

**103.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**103.5 Parts.** Whenever the words “*dwelling unit*,” “*dwelling*,” “*premises*,” “*building*,” “*rooming house*,” “*rooming unit*,” “*housekeeping unit*” or “*story*” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

## **SECTION 104 DEFINITIONS**

**ANCHORED.** Secured in a manner that provides positive connection.

**APPROVED.** Acceptable to the *code official*.

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

**CODE OFFICIAL.** Code Official shall mean a County Sheriff or Deputy Sheriff, Code Enforcement Officer, Zoning Enforcement Officer, Fire Chief or other enforcement officer with the authority to issue a citation.

**CONDEMN.** To adjudge unfit for *occupancy*.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**DISCARDED ITEM.** This term includes, but is not limited to, items for or used in recycling, motor vehicles, auto body parts, tires, boats, home appliances and furniture in a dilapidated or apparently inoperable condition and left in open storage or discarded on private property for more than three consecutive days. This definition shall not apply to the following: (1) Any discarded item or part thereof which is enclosed within a building, such as a garage or other fully enclosed accessory building. (2) Any discarded item not visible from an adjacent or abutting property owner, street, road, or public park. (3) Any discarded item stored on private property in a lawful manner in connection with the licensed business of auto body, auto repair, dismantler, vehicle dealer, and junk or salvage yard, provided that outside storage of discarded items be within a privacy fence or dumpster area and not on the grass, or yard. (4) The preceding exceptions shall not authorize the maintenance of a public or private nuisance as defined by law.

**DWELLING UNIT.** Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking, and eating.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The  *easement* shall be permitted to be for use under, on or above a said lot or lots.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

**EXTERIOR PROPERTY.** The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

**GARBAGE.** Animal or vegetable waste resulting from handling, preparation, cooking and consumption of food.

**GOOD REPAIR.** State of repair that will satisfy a reasonable person using the premises for ordinary uses.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas* are not considered *habitable spaces*.

**HISTORIC BUILDING.** Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or *premises* of insects, rodents, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

**LET FOR OCCUPANCY or LET.** To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit, rooming unit, building, premise or structure* by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**NEGLECT.** The lack of proper maintenance for a building or *structure*.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any person, who alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as tenant.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or *premises* which is let or offered for *occupancy*.

**OWNER.** Any person, agent, *operator*, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** Any individual, partnership, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

**PEST ELIMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

**PREMISES.** A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURAL MEMBER.** Any element in a building that supports the dead and live loads of the building and ultimately helps transmit it to the ground including, but not limited to: beams, columns, joists, rafters, trusses, bearing walls and footings.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.

**SECTION 105**  
**DEPARTMENTS OF CODE ENFORCEMENT AND BUILDING INSPECTION**  
**TO PERFORM INSPECTONS**

- 105.1 General.** The Code Enforcement Department, Building (Inspection) Department and any other department as designated by the County shall be charged with the responsibility of conducting inspections authorized by the code.
- 105.2 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers to enforce the provisions of this code as delegated by the *code official*.
- 105.3 Liability.** The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

**SECTION 106**  
**DUTIES AND POWERS OF THE CODE OFFICIAL**

- 106.1 General.** The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
- 106.2 Inspections.** The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- 106.3 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* shall be authorized to enter the structure or *premises* at reasonable times, subject to Constitutional restrictions or unreasonable search and seizures, to inspect or perform the duties imposed by this code. If such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner*, *owner's* authorized agent or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.
- 106.4 Identification.** The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.
- 106.5 Notices and orders.** The *code official*, or *designee*, shall issue all necessary notices of violation or citations to ensure compliance with this code.
- 106.6 Department records.** The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.
- 106.7 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* authorized agent, provided the *code official* shall first find that the reason makes the provision of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.
- 106.8 Alternative materials, methods and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved by the Code Official*.

**SECTION 107**  
**VIOLATIONS/ NOTICE REQUIREMENTS**

- 107.1 Unlawful acts.** It shall be unlawful for a person or entity to be in conflict with or in violation of any of the provisions of this code.
- 107.2 Notice Requirements.** Whenever the *code official* determines that there has been a violation of this code, notice shall be given in the manner prescribed in Article 1, Section 7.
- 107.3 Violation designated as civil offense.** Violations of this code are hereby designated as civil offenses and shall be enforced through remedial orders and/or civil fines imposed as set out in Article 1 Section 10.
- 107.4 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

**SECTION 108**  
**UNSAFE STRUCTURES AND EQUIPMENT**

- 108.1 General.** When a structure is found by the *code official* to be unsafe, such structure shall be *condemned* pursuant to the provisions of this code.
- 108.2 Unsafe structures.** The *Code official* may determine a structure is unsafe for human habitation, occupancy or use if it is found to be dangerous to the life, health, property or safety of the public, adjacent structures or the *occupants* of the structure. For the purposes of this code this includes conditions that include: not providing minimum safeguards to protect or warn *occupants* in the event of fire, **or** because such structure contains unsafe equipment **or** is so damaged, decayed, dilapidated, structurally unsafe that the safety of the public or occupants is a threat to life or health, **or** the structure is of such faulty construction or unstable foundation, that partial or complete collapse is possible. In addition, a structure shall be deemed unsafe if any provision of 108.2.1 – 108.2.3 is present.
- 108.2.1 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.
- 108.2.2 Structure unfit for human occupancy.** A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.
- 108.2.3 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.
- 108.2.4 Notice.** If the investigation reveals a basis for action under this subchapter, then the Code Official shall issue a notice of violation or citation pursuant to Article 1, Section 7.

Should any of these actions be taken the *code official* shall cause to be posted on the main entrance of any structure so affected, a sign with the following words: “This structure is unfit for human habitation, occupancy or use; the use or occupancy of this building for human habitation, occupancy or use, is prohibited and unlawful.”

**108.2.5 Authority to disconnect service utilities.** The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or owner's authorized agent and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, owner's authorized agent or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

**108.2.6 Vacant structures.** If a structure is vacant and deemed unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

**108.2.6.1 Placarding.** Upon failure of the *owner*, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

**108.2.6.2 Placard removal.** The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

**108.3 Demolition.** The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

**108.3.1 Notices and orders.** Notices and orders shall comply with Article 1, Section 7 and 8.

**108.3.2 Failure to comply.** If the owner of a premises or owner's authorized agent fails to comply with a demolition order within thirty (30) days, the code official shall notify the Code Enforcement Board clerk and a hearing shall be held by the Code Enforcement Board to determine whether the structure should be demolished and removed. Notices shall comply with Article 1, Section 7 and 8. If demolition is order it shall be achieved either through an available public agency or by contract or arrangement with private persons. Boone County shall, in accordance with K.R.S. §65.8835, possess a lien on property for all civil fines and enforcement costs, including but not limited to, reasonable labor, material costs, attorney fees and services incurred in connection with the enforcement of the ordinance and demolition.

**108.3.3 Salvage materials.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.



## SECTION 109 EMERGENCY MEASURES

- 109.1 Imminent danger.** When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This *Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code official.*" It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.
- 109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.
- 109.3 Closing streets.** When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.
- 109.4 Emergency repairs.** For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- 109.5 Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction may institute appropriate action against the *owner* of the *premises* or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs up to and including a lien on the real property.
- 109.6 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition filed with the Code Enforcement Board clerk, be afforded a hearing utilizing the same process as outlined in section Article 2, Section 8.

## SECTION 110 MEANS TO CONTEST

- 110.1 Contest Procedure.** Contest of actions taken under this code shall be heard by the Boone County Code Enforcement Board following the procedures set forth in Article 1, section 8.

## SECTION 111 STOP WORK ORDER

- 111.1 Authority.** Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.
- 111.2 Issuance.** A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.
- 111.3 Emergencies.** Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.
- 111.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine as determined by the Boone County Code Enforcement Board. Where an emergency is deemed to exist, the stop work order shall be enforced by the Boone County Sheriff.

## CHAPTER 2

### GENERAL REQUIREMENTS

#### SECTION 201

##### GENERAL

**201.1 Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

**201.2 Responsibility.** The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

**201.3 Vacant structures and land.** Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

#### SECTION 202

##### EXTERIOR PROPERTY AREAS

**202.1 Sanitation.** *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

**202.2 Discarded items on person's own property.** Property owners within the unincorporated areas of the county shall not allow *discarded items* to remain on their property,

**202.3 Discarding items in property of another.** No person shall place, leave, deposit or otherwise undertake to dispose of any *discarded item* upon any private property or upon any public property or right-of-way.

**202.3.1 Authority of County to Remove Items.** If, 14-days after the county Code Enforcement Board has ordered discarded items to be removed and those items have not been removed or properly stored, and the Code Enforcement Board order has not been appealed, then the county shall have the authority to enter upon the property and remove any and all discarded items. The cost to the county of removing the discarded items shall be at the property owner's expense. The county shall bill the property owner for the costs, and the property owner shall have 10 days to pay in full. The 10-day period shall commence with the date of the billing. If the bill is not paid within 10 days, the county may at its option place a lien on the real property with the County Clerk, for the actual cost of removal of the discarded items. The lien shall bear interest at the rate of 12% per annum, and shall be enforceable as a real property lien under Kentucky law, including foreclosure for collection on the lien.

**202.4 Grading and drainage.** *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon.

**Exception:** *Approved* retention/detention areas and reservoirs.

**202.5 Walkways and driveways.** Walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

**202.6 Unsightly vegetation prohibited.** It shall be unlawful for any person, corporation or other entity, owning any lot of land not used for agricultural purposes, to permit, by failure to mow, grass and/or weeds to become unsightly or a detriment to the health and welfare of the inhabitants of the county. It shall be a violation of this chapter for a property owner to allow the height of the vegetation to exceed eight (8) inches in height.

- 202.6.1 Authority of County to cut and remove vegetation.** Irrespective of provisions set forth in Chapter 2 above, after a violation of this chapter is found to exist, the Code Official may issue, along with the citation, a written notice to the land owner advising of the violation and requiring that the unsightly vegetation be removed within five days of the date of the violation notice. The property owner may request an additional three days (for a total of eight days) to comply, by contacting the Code Official within the five-day period. If the five or extended eight-day period expires and the property owner has failed to comply with this chapter, then the county is hereby empowered to enter upon private property to cut and remove vegetation which is not in compliance with this chapter. The county shall cause a bill to be issued to the property owner for the county's expense of cutting and removing the vegetation. The property owner shall be informed that the bill must be paid in 10 days. If the bill is not paid within 10 days, the county may place a lien upon the land with the County Clerk, and may foreclose upon the property.
- 202.7 Rodent harborage.** Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- 202.8 Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.
- 202.9 Accessory structures.** Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in *good repair*.
- 202.10 Motor vehicles.** Except as provided for in other regulations and consistent with zoning regulations, no inoperable vehicle shall be stored on an exterior property area, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.
- Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.
- 202.11 Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

## SECTION 203 SWIMMING POOLS, SPAS AND HOT TUBS

- 203.1 Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition and in *good repair*.
- 203.2 Enclosures.** Private swimming pools, hot tubs and spas, capable of containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.
- Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

**SECTION 204**  
**EXTERIOR STRUCTURE**

**204.1 General.** The exterior of a structure shall be maintained in *good repair*, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**204.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the currently adopted *Kentucky Building Code and Kentucky Residential Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limits of their structural capacity;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. *Structural members* that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in *good repair* with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the *code official*.

- 204.2 Protective treatment.** Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- 204.3 Premises identification.** Buildings shall have *approved* address numbers placed in a position on the structure or roadway directly in front of the structure and plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).
- 204.4 Structural members.** Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.
- 204.5 Foundation walls.** Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- 204.6 Exterior walls.** Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.
- 204.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in *good repair* and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- 204.8 Decorative features.** Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in *good repair* with proper anchorage and in a safe condition.
- 204.9 Overhang extensions.** Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in *good repair* and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- 204.10 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in *good repair*, with proper anchorage and capable of supporting the imposed loads.
- 204.11 Chimneys and towers.** Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in *good repair*. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- 204.12 Handrails and guards.** Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- 204.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, *good repair* and weather tight.
- 204.14 Insect screens.** Existing insect screens shall be maintained in *good repair*.
- 204.15 Doors.** Exterior doors, door assemblies, operator systems ( if provided) and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.
- 204.16 Basement hatchways.** Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
- 204.17 Guards for basement windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

**204.18 Building security.** Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

**204.18.1 Doors.** Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

**204.18.2 Windows.** Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

**204.18.3 Basement hatchways.** *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *house- keeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

**204.19 Gates.** Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

## SECTION 205 INTERIOR STRUCTURE

**205.1 General.** The interior of a structure and equipment therein shall be maintained in *good repair*, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

**205.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the currently adopted *Kentucky Building Code and Kentucky Residential Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limits of their structural capacity;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when *approved by the code official*.

**205.2 Structural members.** Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

**205.3 Interior surfaces.** Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition.

**205.4 Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and *good repair*.

- 205.5 Handrails and guards.** Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- 205.6 Interior doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## **SECTION 206 COMPONENT SERVICEABILITY**

**206.1 General.** The components of a structure and equipment therein shall be maintained in *good repair*, structurally sound and in a sanitary condition.

**206.1.1 Unsafe conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the currently adopted *Kentucky Building Code and Kentucky Residential Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
  - 1.1 Collapse of footing or foundation system;
  - 1.2 Damage to footing, foundation, concrete or other structural element due to soil expansion;
  - 1.3 Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
  - 1.4 Inadequate soil as determined by a geotechnical investigation;
  - 1.5 Where the allowable bearing capacity of the soil is in doubt; or
  - 1.6 Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions to a degree that creates significant risk to the safety of the occupant or others:
  - 2.1 *Deterioration*;
  - 2.2 *Ultimate deformation*;
  - 2.3 Fractures;
  - 2.4 Fissures;
  - 2.5 Spalling;
  - 2.6 Exposed reinforcement; or
  - 2.7 *Detached*, dislodged or failing connections.
3. Masonry that has been subjected to any of the following conditions to a degree that creates significant risk to the safety of the occupant or others :
  - 3.1 *Deterioration*;
  - 3.2 *Ultimate deformation*;
  - 3.3 Fractures in masonry or mortar joints;
  - 3.4 Fissures in masonry or mortar joints;
  - 3.5 Spalling;
  - 3.6 Exposed reinforcement; or
  - 3.7 *Detached*, dislodged or failing connections.

4. Metal that has been subjected to any of the following conditions to a degree that creates a significant risk to the safety of the occupant or others:
  - 4.1 *Deterioration*;
  - 4.2 Elastic deformation;
  - 4.3 *Ultimate deformation*;
  - 4.4 Metal fatigue; or
  - 4.5 *Detached*, dislodged or failing connections.
5. Wood that has been subjected to any of the following conditions to a degree that creates a significant risk to the safety of the occupant or others:
  - 5.1 *Ultimate deformation*;
  - 5.2 *Deterioration*;
  - 5.3 Damage from insects, rodents and other vermin;
  - 5.4 Fire damage beyond charring;
  - 5.5 Significant splits and checks;
  - 5.6 Horizontal shear cracks;
  - 5.7 Vertical shear cracks;
  - 5.8 Inadequate support;
  - 5.9 *Detached*, dislodged or failing connections; or
  - 5.10 Excessive cutting and notching.

**Exceptions:**

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

**SECTION 207  
HANDRAILS AND GUARDRAILS**

**207.1 General.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Guards shall be able to resist a 200 pound load at any point, and 50 pounds per linear foot.

**Exception:** *Guards* shall not be required where exempted by the adopted building code.



**SECTION 208  
RUBBISH AND GARBAGE**

**208.1 Accumulation of rubbish or garbage.** *Exterior property and premises*, and the interior of every structure, shall be free from any accumulation of *rubbish and/ or garbage*. This shall not apply to composting in a manner that does not create excessive blight or odors for neighbors.

**208.2 Disposal of rubbish.** Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

**208.2.1 Rubbish storage facilities.** The *owner* of every occupied *premises* shall use *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

**208.2.2 Air-Tight Containers.** No person shall leave outside any dwelling or building, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an air-tight door without first removing the door..

**208.3 Disposal and storage of garbage.** Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

**208.3.1 Garbage facilities.** The *owner* of every dwelling shall use one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an *approved* leakproof, covered, outside garbage container.

**208.3.2 Storage Containers Required.** The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing garbage and rubbish within the limits of the county, shall use sufficient and adequate containers for the storage of all garbage and rubbish except bulky rubbish and demolition and construction waste, to serve each dwelling unit and/or establishment, and to maintain garbage and rubbish containers at all times in *good repair*.

**208.3.3 Manner of Storage.** The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all garbage and rubbish to be collected in proper garbage and rubbish containers, except as otherwise provided herein, and shall maintain such garbage and rubbish containers and the area surrounding them in a clean, neat and sanitary condition at all times. Garbage and rubbish shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.

**208.3.4 Standards for Residential and Commercial Storage Containers.**

1. Residential garbage and rubbish shall be stored in containers that are leak-proof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable garbage and rubbish containers with suitable frames or containers as recommended by the Solid Waste Coordinator and having been approved by the County Fiscal Court, may also be used for storage of residential garbage and rubbish. Containers must be of a type and construction that will not allow access to the waste by dogs, cats, rodents or any other animals.
2. Commercial garbage and rubbish shall be stored in garbage and rubbish containers as recommended by the Solid Waste. The containers shall be waterproof, leak-proof and shall be covered at all times except when depositing waste therein or removing the contents thereof, and shall meet all requirements as set forth by Boone County Ordinance § 50.002.

**208.4 Prohibited Items.** Vehicle tires, lead acid batteries, yard waste and oil are also prohibited from being discarded as solid waste within the county.

**208.5 Depositing Objectionable Wastes Prohibited.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property of others any human or animal excrement, garbage, or other objectionable waste.

**SECTION 209  
PEST ELIMINATION**

**209.1 Infestation.** Structures shall be kept free from insect and rodent *infestation*. Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

**209.2 Owner.** The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

**209.3 Single occupant.** The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential structure shall be responsible for pest elimination on the *premises*.

**209.4 Multiple occupancy.** The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for pest elimination.

**209.5 Occupant.** The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

**Exception:** Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

**CHAPTER 3  
OCCUPANCY LIMITATIONS**

**SECTION 301  
GENERAL**

**301.1 Scope.** The provisions of this chapter shall govern the minimum conditions for occupying a structure. Violations of this chapter shall be documented by any *code official acting within the scope of their authority*.

**301.2 Responsibility.** The *owner* of the structure shall provide space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

**SECTION 302  
OCCUPANCY LIMITATIONS**

**302.1 Privacy.** *Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**302.2 Minimum room widths.** A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension.

**302.3 Minimum ceiling heights.** *Habitable spaces*, hall- ways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

**Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

**302.4 Bedroom requirements.** Every *bedroom* shall comply with the requirements of Sections 302.4.1 through 302.4.3.

**302.4.1 Room area.** Every bedroom shall contain not less than 70 square feet (6.5 m<sup>2</sup>) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

**302.4.2 Prohibited occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.

**302.4.3 Other requirements.** *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 4; the heating facilities and electrical receptacle requirements of Chapter 5; and the smoke detector and emergency escape requirements of Chapter 6.

**302.5 Overcrowding.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Section 302.4.

**302.6 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m<sup>2</sup>). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m<sup>2</sup>). Every additional occupant shall require an additional 100 square feet of living space. These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

**302.7 Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## CHAPTER 4

### PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

#### SECTION 401

##### GENERAL

**401.1 Scope.** The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

**401.2 Responsibility.** The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* that does not comply with the requirements of this chapter.

## SECTION 402 REQUIRED FACILITIES

- 402.1 Dwelling units.** Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.
- 402.2 Rooming houses.** Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.
- 402.3 Hotels.** Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 *occupants*.
- 402.4 Employees' facilities.** Not less than one water closet, one lavatory and one drinking facility shall be available to employees.
- 402.5 Public toilet facilities.** Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the *Kentucky Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

## SECTION 403 PLUMBING SYSTEMS AND FIXTURES

- 403.1 General.** Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
- 403.2 Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.
- 403.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

## SECTION 404 WATER SYSTEM

- 404.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Kentucky Plumbing Code*.
- 404.2 Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- 404.3 Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- 404.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

**SECTION 405  
SANITARY DRAINAGE SYSTEM**

**405.1 General.** Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

**405.2 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

**405.3 Unauthorized Wastewater Discharges Prohibited.** Wastewater discharges are prohibited unless in accordance with provisions of this chapter.

**405.4 Privies, Septic Tanks and Other Facilities.** Except as provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater

**405.5 Connection to Sewer Required.** The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes under the jurisdiction of this chapter and abutting on any street, alley, or rights-of-way in which there is or may be located a wastewater sewer connected to the treatment facility of the district, is required at the owner's expense to install suitable toilet facilities therein and to connect facilities directly to the proper sewer in accordance with the provisions of this chapter, within 30 days after date of official notice to do so provided the proper wastewater sewer is within 500 feet of any house, building, or property used for human occupancy, employment, recreation, or other purpose

**Exception:** This section shall not apply to any person served by a privately constructed, owned, operated, or maintained wastewater sewer and wastewater treatment facility that discharges directly to a natural outlet in accordance with the provisions of this chapter and applicable state and federal laws.

**405.6 Restricted Discharges.** No person shall discharge or cause to be discharged any substances, materials, waters, or waste in quantities or concentrations that will:

1. Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid, or gas;
2. Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, and in no case will discharges be allowed with a pH lower than 5.0.

**SECTION 406  
STORM DRAINAGE**

**406.1 General.** Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance or in a manner that negatively impacts (erosion, flooding impact to use and enjoyment) adjacent property.

**406.2 Discharge of Stormwater and Other Unpolluted Drainage.** All uncontaminated discharges of stormwater, surface water, groundwater, roof runoff, subsurface drainage, or other waters not required to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for discharges, except as authorized under Boone County Ordinance § 51.061. Any connection, drain, or arrangement that will permit waters to enter any other wastewater sewer shall be deemed a violation of this section and this chapter.

**CHAPTER 5**  
**MECHANICAL ANDELECTRICAL REQUIREMENTS**

**SECTION 501**  
**GENERAL**

**501.1 Scope.** The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

**501.2 Responsibility.** The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that does not comply with the requirements of this chapter.

**SECTION 502**  
**HEATING FACILITIES**

**502.1 Facilities required.** Heating facilities shall be provided in structures as required by this section.

**502.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature of 8°F . Cooking appliances shall not be used, as a means to provide required heating.

**502.3 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**502.4 Room temperature measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

**SECTION 503**  
**MECHANICAL EQUIPMENT**

**503.1 Mechanical appliances.** Mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**503.2 Removal of combustion products.** Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

**Exception:** Fuel-burning equipment and appliances that are *labeled* for unvented operation.

**503.3 Clearances.** Required clearances to combustible materials shall be maintained.

**503.4 Safety controls.** Safety controls for fuel-burning equipment shall be maintained in effective operation.

**503.5 Combustion air.** A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

**503.6 Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

## SECTION 504 ELECTRICAL FACILITIES

**504.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 505.

**504.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

**504.3 Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

**504.3.1 Abatement of electrical hazards associated with water exposure.** The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

**504.3.1.1. Electrical equipment.** Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the manufacturer's instructions and consistent with the NFPA 70.

**Exception:** The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* by the electrical inspector that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

**504.3.2 Abatement of electrical hazards associated with fire exposure.** The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

**504.3.2.1 Electrical equipment.** Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that have been exposed to fire, shall be replaced in accordance with the provisions of the NFPA 70.

**Exception:** Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *electrical inspector* indicates that the equipment has not sustained damage that requires replacement.

## **SECTION 505 ELECTRICAL EQUIPMENT**

**505.1 Installation.** Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

**505.2 Receptacles.** Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain not less than one receptacle. Any new bathroom receptacle outlet shall be installed in accordance with NFPA 70, current edition. All receptacle outlets shall have the appropriate faceplate cover for the location.

**505.3 Luminaires.** Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

**505.4 Wiring.** Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

## **SECTION 506 DUCT SYSTEMS**

**506.1 General.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.



## CHAPTER 6

### FIRE SAFETY REQUIREMENTS

#### SECTION 601 GENERAL

- 601.1 Scope.** The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.
- 601.2 Responsibility.** The *owner* of the *premises* shall provide and maintain fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

#### SECTION 602 MEANS OF EGRESS

- 602.1 General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*.
- 602.2 Locked doors.** Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *Kentucky Building Code*.
- 602.3 Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

#### SECTION 603 FIRE-RESISTANCE RATINGS

- 603.1 Fire-resistance-rated assemblies.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.
- 603.2 Opening protectives.** Required opening protectives shall be maintained in an operative condition. Fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

#### SECTION 604 FIRE PROTECTION SYSTEMS

- 604.1 General.** Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *Kentucky Building Code*.

**CHAPTER 7**  
**REFERENCED STANDARDS**

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

**ASM** American Society of Mechanical Engineers Three Park Avenue New York, NY 10016-5990

Standard Reference Number	Title	Referenced in code section number
ASME A17.1/CSA B44—2013	Safety Code for Elevators and Escalators.....	606.1

**ASTM** ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959

Standard Reference number	Title	Referenced in code section number
F 1346—91 (2010)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs.....	303.2

**ICC** International Code Council 500 New Jersey Avenue, NW 6th Floor Washington, DC 20001

Standard Reference number	Title	Referenced in code section number
	Kentucky Building Code . . . . .	102.3, 201.3, 401.3, 702.3
IFC—15	International Fire Code®.....	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
NFPA 54	National Fuel Gas Code®.....	102.3, 201.3
IMC—15	International Mechanical Code® . . . . .	102.3, 201.3
	Kentucky Plumbing Code.....	201.3, 505.1, 602.2, 602.3
	Kentucky Residential Code.....	201.3

**NFPA** National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269

Standard Reference number	Title	Referenced in code section number
25—14	Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection System.....	704.1.1
70—14	National Electrical Code . . . . .	102.4, 201.3, 604.2

APPENDIX A

**BOARDING STANDARD**

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

**A101**

**GENERAL**

**A101.1 General.** Windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

**A102**

**MATERIALS**

**A102.1 Boarding sheet material.** Boarding sheet material shall be minimum  $\frac{1}{2}$ -inch-thick (12.7 mm) wood structural panels

**A102.2 Boarding framing material.** Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber *Code*.

**A102.3 Boarding fasteners.** Boarding fasteners shall be minimum  $\frac{3}{8}$ -inch-diameter (9.5 mm) carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts.

**A103**

**INSTALLATION**

**A103.1 Boarding installation.** The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

**A103.2 Boarding sheet material.** The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

**A103.3 Windows.** The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches (152 mm) minimum above the bottom and below the top of the window opening. The framing and boarding shall be pre-drilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

**A103.4 Door walls.** The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

**A103.5 Doors.** Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.

**A104**

**REFERENCED STANDARD**

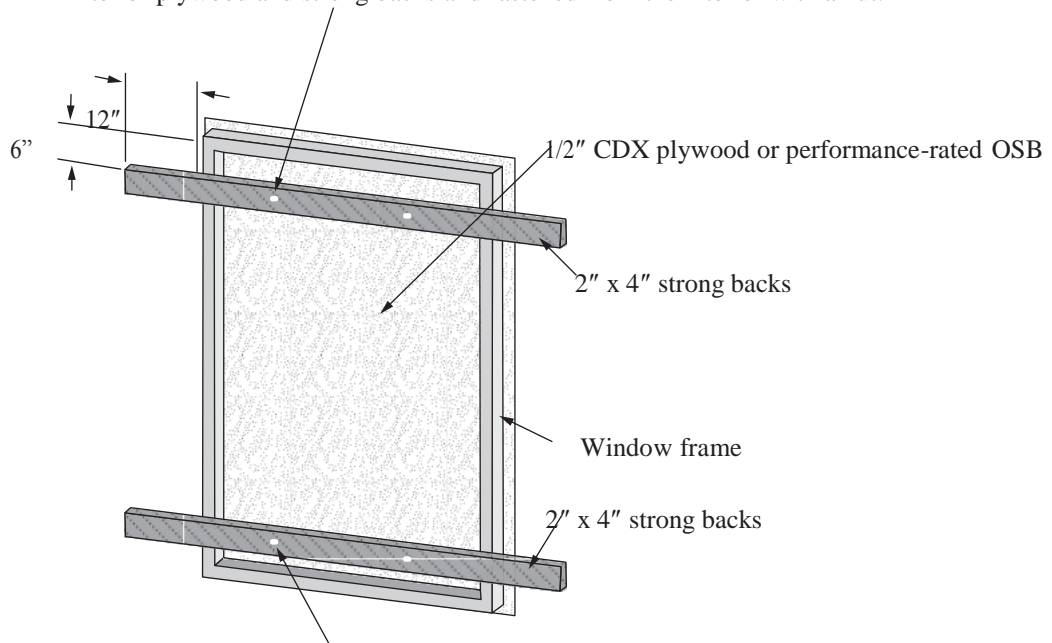
IBC—12

International Building Code

A102.1, A102.2, A102.3

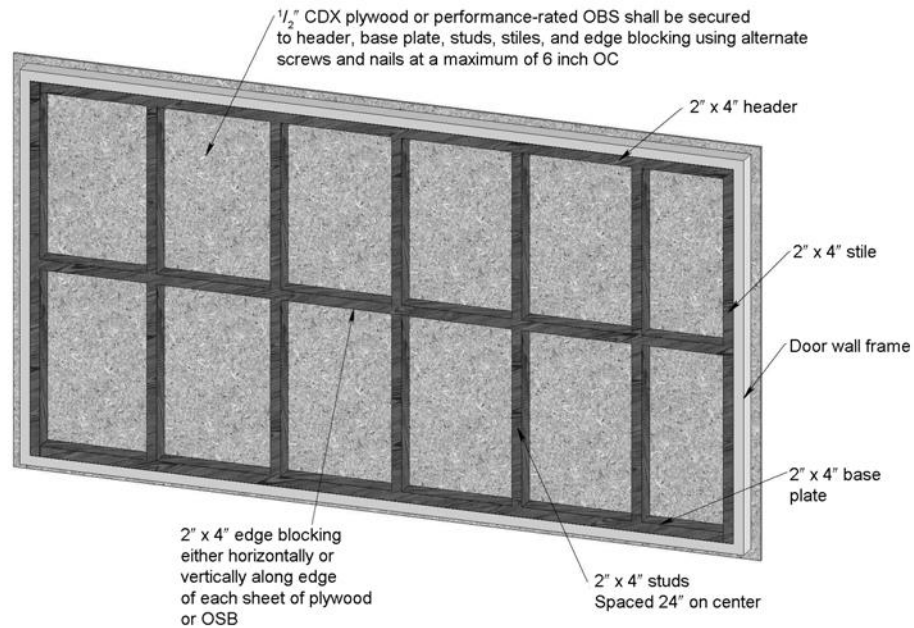
**APPENDIX A**

3/8" carriage bolts. Bolts shall be long enough to extend from the exterior plywood through the interior plywood and strong backs and fastened from the interior with a nut.



3/8" carriage bolts. Bolts shall be long enough to extend from the exterior plywood through the interior plywood and strong backs and fastened from the interior with a nut.

**FIGURE A103.1(1) BOARDING OF DOOR OR**



**WINDOW**

**FIGURE A103.1(2) BOARDING OF DOOR WALL**

**ARTICLE III. REPEAL/ AMENDMENT OF ORDINANCES**

A) Repeal of Ordinances

The Boone County Fiscal Court does hereby repeal the following:

Ordinance	Description	Ordinance	Description
50.010	Storage Containers Required	92.01	Discarded Items Definitions
50.011	Manner of Storage	92.02	Discarded Items on persons own property
50.012	Standards for residential and commercial storage containers	92.03	Discarding Items on property of others
50.013	Prohibited Items	92.04	Authority of County to Remove items
50.014	Air-Tight Containers	92.99	Penalty
51.016	Unauthorized Wastewater Discharges Prohibited	93.01	Unsightly Vegetation
51.017	Privies, Septic Tanks, Other Facilities	93.02	Inspections by Code Enforcement Officer
51.018	Connection to Sewer Required	93.03	Notice of Violation
51.019	Discharge of Stormwater	71.17	Parking Violation Hearing Board
51.020	Restricted Discharges	73.01	Definitions
73.02	Creation and membership	73.03	Jurisdiction
73.04	Appointment of members;	73.05	Organization of Board
73.06	Conflicts of interest	73.07	Powers of Board
73.08	Enforcement proceedings	73.09	Hearing; notice and final order
73.10	Legal Counsel	73.11	Appeals and final judgment
73.12	Ordinance civil penalty schedule	73.13	Liens; civil penalty and costs
73.14	Regulations	73.15	State statutes adopted by reference
150.60	Definitions	150.61	Petition and investigation
150.62	Conditions determining unfit structure	150.63	Notice of violation
150.64	Hearing process	150.65	Final notice of violation
150.66	Finding that property is unfit;	150.67	Costs to be lien against property;
150.68	Eviction of occupants		

B. Amendment to Ordinances

The Boone County Fiscal Court does hereby amend the following to read:

<b>71.16</b>	A) Any person who receives a citation for a parking violation shall respond to such citation within 14 calendar days of its issuance, by making full payment of civil penalties, towing and/or and storage charges incurred or shall request a hearing by notifying in writing the <del>Parking Hearing Violation Board</del> <b>Code Enforcement Board</b> through the County Judge/Executive's Office at 2950 Washington Street, Burlington, KY 41005. The hearing shall be held pursuant to this Code of Ordinances. After nonpayment, and without properly notifying the Board of intent to contest within 14 days of the issuance of the citation, a determination that the violation has been committed is final.
<b>50.999 (a)</b>	Sections 50.015 through 50.029 shall be fined \$25.00

**ARTICLE IV – EFFECTIVE DATE**

This ordinance shall take effect and be in full force when passed, published and recorded according to law.

**ARTICLE V - ADOPTION**

INTRODUCED, SECONDED, AND GIVEN FIRST READING APPROVAL at a duly convened meeting of the Fiscal Court of Boone County, Kentucky, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ADOPTED, by the Boone County Fiscal Court after SECOND READING at a the regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.

\_\_\_\_\_  
GARY W. MOORE  
Boone County Judge/Executive

**ATTEST:**

\_\_\_\_\_  
SHARON BURCHAM  
Fiscal Court Clerk

\_\_\_\_\_  
ROBERT NEACE  
County Attorney

\_\_\_\_\_  
DATE PUBLISHED

